



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 29 2017

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steven Spiwak
Eagle Alloy, Inc.
5142 Evanston Ave.
Muskegon, Michigan 49442

Re: Notice and Finding of Violation
Eagle Alloy, Inc.
Muskegon, Michigan

Dear Mr. Spiwak:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Eagle Alloy, Inc. (you) under Section 113(a)(1) and (3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (3). We find that you have violated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries Area Sources, the Michigan State Implementation Plan and your Permit to Install at your Muskegon, Michigan facility.

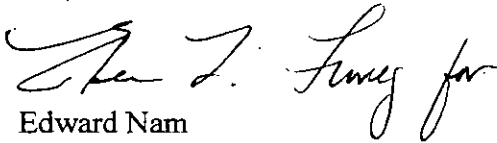
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Alexandra Letuchy. You may call her at (312) 886-6035 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward Nam", followed by a small flourish.

Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Tom Hess, Michigan Department of Environmental Quality
Heidi Hollenbach, Michigan Department of Environmental Quality

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Eagle Alloy, Inc.
Muskegon, Michigan**

Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401 et seq.

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) **NOTICE AND FINDING OF
VIOLATION**
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) **EPA-5-17-MI-06**
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NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that Eagle Alloy, Inc. (Eagle Alloy) is violating Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412 and Section 113(a)(1) and (3) of the CAA, 42 U.S.C. § 7413(a)(1) and (3). Specifically, Eagle Alloy, Inc. is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries Area Sources at 40 C.F.R. Part 63, Subpart ZZZZZ, the Michigan State Implementation Plan (SIP), and its Permit to Install (PTI), as follows:

National Emission Standards for Hazardous Air Pollutants

1. Section 112(c) of the CAA, 42 U.S.C. § 7412(c), requires the EPA to promulgate a list of all categories and subcategories of new and existing "major sources and area sources" of hazardous air pollutants (HAPs), and establish emissions standards for the categories and subcategories. These emission standards are known as the NESHAP. EPA codified these standards at 40 C.F.R. Parts 61 and 63.
2. 40 C.F.R. Part 63, Subpart A, contains the general provisions for the NESHAP.
3. "Stationary source" is defined as "any building, structure, facility, or installation, which emits or may emit any air pollutant." 42 U.S.C. § 7411(a)(3).
4. HAP is defined as "any air pollutant listed in or pursuant to" Section 112(b) of the CAA. 42 U.S.C. § 7412(a)(6).
5. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating a source in violation of a NESHAP after its effective date. *See also* 40 C.F.R. §§ 61.05 and 63.4.

NESHAP for Iron and Steel Foundries

6. Under Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the National Emission Standard for Hazardous Air Pollutants Iron and Steel Foundries Area Sources (NESHAP for Iron and Steel Foundries Area Sources), effective January 2, 2008. See 73 Fed. Reg. 252. The NESHAP for Iron and Steel Foundries Area Sources is codified at 40 C.F.R. Part 63, Subpart ZZZZZ.
7. 40 C.F.R. § 63.10880(a) provides that this subpart applies to an iron and steel foundry that is an area source of HAP emissions.
8. 40 C.F.R. § 63.10880(b)(1) provides that this subpart applies to each new or existing affected source. The affected source is each iron and steel foundry. An affected source is existing if you commenced construction or reconstruction of the affected source before September 17, 2007.
9. 40 C.F.R. § 63.10881(a)(3) provides that if you own or operate an existing affected source, you must achieve compliance with the applicable provisions of this subpart by no later than 2 years after the date of your large foundry's notification of the initial determination required in 40 C.F.R. § 63.10880(f) for the standards and management practices in 40 C.F.R. § 63.10895.
10. 40 C.F.R. § 63.10895(a) provides that if you own or operate an affected source that is a large foundry as defined in 40 C.F.R. § 63.10906, you must comply with the pollution prevention management practices in 40 C.F.R. §§ 63.10885 and 63.10886, the requirements in paragraphs (b) through (e) of this section, and the requirements in 40 C.F.R. §§ 63.10896 through 63.10900.
11. 40 C.F.R. § 63.10895(e) provides that if you own or operate a new or existing iron and steel foundry, you must not discharge to the atmosphere fugitive emissions from foundry operations that exhibit opacity greater than 20 percent (6-minute average), except for one 6-minute average per hour that does not exceed 30 percent.
12. 40 C.F.R. § 63.10896(a) provides that you must prepare and operate at all times according to a written operation and maintenance (O&M) plan for each control device for an emissions source subject to a particulate matter, metal HAP, or opacity emissions limit in 40 C.F.R. § 63.10895. You must maintain a copy of the O&M plan at the facility and make it available for review upon request.
13. 40 C.F.R. § 63.10906 defines "foundry operations" as all process equipment and practices used to produce metal castings for shipment. Foundry operations include: Mold or core making and coating; scrap handling and preheating; metal melting and inoculation; pouring, cooling, and shakeout; shotblasting, grinding, and other metal finishing operations; and sand handling.

Obtaining a Permit to Install

14. On May 31, 1972, EPA approved the State of Michigan's February 3, 1972 SIP

submittal. 37 Fed. Reg. 10873 (May 31, 1972). On May 6, 1990, EPA approved the State of Michigan's April 25, 1979 SIP submittal. 45 Fed. Reg. 29790 (May 6, 1990). On May 13, 1993, EPA approved the State of Michigan's October 10, 1986 SIP submittal (portions of which were withdrawn in a January 28, 1993 letter from the State of Michigan). 58 Fed. Reg. 28359 (May 13, 1993).

15. The Michigan SIP includes Mich. Admin. Code r. 336.1201 (1980). Mich. Admin. Code r. 336.1201 provides that a person shall not install, construct, reconstruct, relocate, or alter any process, fuel-burning, or refuse-burning equipment, or control equipment pertaining thereto which may be a source of an air contaminant, until a permit is issued by the commission. Mich. Admin. Code r. 336.1201 further provides that this permit shall be known as a permit to install and shall cover construction, reconstruction, relocation, and alteration of equipment where such is installed.

PTI 95-01F

16. Michigan Department of Environmental Quality (MDEQ) issued to Eagle Alloy a PTI with Permit No. 95-01F and dated May 22, 2013.
17. PTI 95-01F provides a summary of all emission units covered by the permit. The permit identifies three 5000-lb pot furnaces as EU07, two 5000-lb pot furnaces and one 1000-lb pot furnace as EU08, and two 5000-lb pot furnaces as EU08A.
18. PTI 95-01F refers to the Phenolic Shell Sand Thermal Reclamation System with Particulates Controlled by a baghouse as EU43 and the Sand Coating Plant as EU44.
19. EU43, Condition IV.2 of PTI 95-01F states that the permittee shall not operate EU43 unless the baghouse is installed, maintained, and operated in a satisfactory manner.
20. EU44, Condition IV.3 of PTI 95-01F states that the permittee shall not operate EU44 unless the baghouse is installed, maintained, and operated in a satisfactory manner.

Factual Background

21. Eagle Alloy, Inc owns and operates a foundry at 5142 Evanston Avenue, Muskegon, Michigan (facility). The facility includes several emission units, including eleven furnaces, pouring lines, pre-shakeout, shakeout, thermal sand reclamation, a sand coating plant, and mold and core making. Emissions from pre-shakeout are controlled by baghouses venting indoors, emissions from shakeout are controlled by a baghouse venting outdoors, emissions from thermal sand reclamation are controlled by a dust collector, and emissions from various transfer points are exhausted to a baghouse venting outdoors.
22. The facility emits less than 10 tons per year of any individual HAP and less than 25 tons per year for all combined HAPs and is therefore an area source for HAPs.
23. The facility was constructed before September 17, 2007 and is thus an existing affected source under the NESHAP for Iron and Steel Foundries Area Sources.

24. On September 9, 2011, MDEQ issued to Eagle Alloy a PTI with Permit No. 95-01D first indicating that Eagle Alloy was an existing large foundry as defined under the NESHAP for Iron and Steel Foundries Area Sources.
25. On October 7, 2016, EPA conducted an inspection at the facility.
26. On January 30, 2017, EPA issued an information request to Eagle Alloy pursuant to Section 114 of the CAA, 42 U.S.C. § 7414.
27. Eagle Alloy provided responses to the information request on April 5, 2017 and May 17, 2017.
28. In response to the information request, Eagle Alloy did not provide an O&M plan.
29. In response to the information request, Eagle Alloy provided a table summarizing the furnaces at the facility. The table shows that there are ten 5000-lb pot furnaces and one 1000-lb pot furnace in operation in the melt power supply area of the facility. One 5000-lb pot furnace was installed in 1989, three were installed in 1993, three were installed in 1998, and three were installed in 2012. (PTI 95-01F identifies a total seven 5000-lb pot furnaces, with different installation dates.)
30. In response to the information request, Eagle Alloy stated that the baghouse associated with EU43 should begin cleaning when the baghouse pressure drop approaches 3.0 inches of water column (" WC) and that the high range alarm is set to 5.0" WC.
31. In response to the information request, Eagle Alloy provided baghouse pressure drop data for EU43 showing negative pressure drops when the emission unit is operating.
32. In response to the information request, Eagle Alloy provided information from the manufacturer of the baghouse associated with EU44 showing that the standard pressure drop operating range is 1" to 6" WC.
33. In response to the information request, Eagle Alloy provided baghouse pressure drop data for EU44 showing numerous pressure drops readings in excess of 6" WC.

Violations

34. By failing to prepare and operate in accordance with an O&M plan, Eagle Alloy has violated the O&M plan requirements at 40 C.F.R. § 63.10896(a).
35. By failing to obtain PTIs for three pot furnaces at the facility, Eagle Alloy has violated permitting required at Mich. Admin. Code r. 336.1201.
36. By failing to maintain a positive pressure drop across the baghouse associated with EU43, Eagle Alloy has violated baghouse operating requirements at EU43, Condition IV.2 of PTI 95-01F.
37. By failing to maintain the pressure drop across the baghouse associated with EU44 within

the operating range used to demonstrate satisfactory operation, Eagle Alloy has violated baghouse operating requirements at EU44, Condition IV.3 of PTI 95-01F.

9/29/17
Date

Edward Nam
Edward Nam
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I certify that I sent a Finding of Violation, No. EPA-5-17-MI-06, by Certified Mail, Return Receipt Requested, to:

Steven Spiwak
Eagle Alloy, Inc.
5142 Evanston Ave.
Muskegon, Michigan 49442

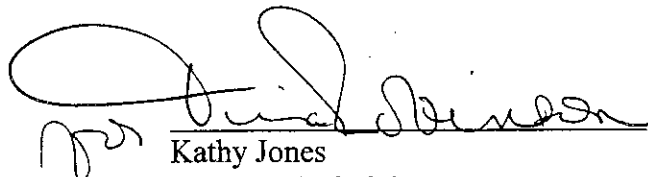
I also certify that I sent copies of the Finding of Violation by E-mail to:

Tom Hess
Enforcement Unit Manager
Air Quality Division
HESST@michigan.gov

And

Heidi Hollenbach
Air Quality Division District Supervisor
Grand Rapids District
hollenbachh@michigan.gov

On the 21st day of September 2017.


Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7061370 0001 5719 9926